

March 1, 1984

LR 2

Opposed no. The motion carried. Another motion to the bill. The Chair would like to interrupt just a moment to announce that we earlier announced that there were some visitors that were guests of Senator Lundy but they were not in the balcony at the time. They were just about to come in. And they are in the south balcony. They are 53 Eighth Graders from Wood River Rural High School, guests of Senator Lundy and they are accompanied by their teachers, Mr. Zadina, Mr. Rempe and Mrs. Isaac. And we welcome you to the Legislature. Also, guests of Senator Marsh in the north balcony are 36 UNL students from the Teachers College and accompanied by Mrs. Dorcas Cavett. We welcome you to the Legislature this morning. Ready for the motion, Mr. Clerk.

CLERK: Mr. President, Senator Chambers would move to return LR 2CA to Select File for a specific amendment. Page 2, line 11, strike the word "confiscated".

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I will explain what the problem is that I see with this word.

PRESIDENT: (Gavel). May we have order, please, so we can hear the speaker. Senator Chambers.

SENATOR CHAMBERS: The language of the amendment as drafted is mandatory. Any money forfeited or confiscated shall belong to the county. When you say confiscated, that simply means that the law enforcement person has taken custody of something that belongs to a person. If that confiscation once occurs, the Constitution as drafted here would require that that money belongs to the county even if the charge brought is thrown out, even if it is found that the money so confiscated or taken nothing to do with drug activity. Now the counties like money. Law enforcement agencies like money. So it would be very easy to swoop down on a gambling operation under the pretext of enforcing drug laws, take the money that would be confiscated in that raid, but since it was pursuant to a warrant that might have to do with drug activity, the money once confiscated would belong to the